

Appl. No. 10/050,801  
Amdt. dated June 8, 2005  
Reply to Office Action of April 8, 2005

### REMARKS/ARGUMENTS

Claims 1-10, 12-14, 22, and 24-25 are presented for Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

The Examiner's attention is drawn to the 37 C.F.R. § 1.132 declaration by Yung Huang, filed with this response, and the statements made therein.

Claims 1-10, 12-14, 22, and 24-25 stand rejected under 35 U.S.C. §103(a) as obvious over *Julius* (5,542,567) in view of *Spruyt* et al. (3,784,056) and *Huang* et al. (6,269,970). *Julius* discloses a moist tissue package for dispensing wet wipes in a pop-up manner. However, *Julius* fails to disclose a translucent container top. *Spruyt* discloses a moisture impermeable package for wet wipes that has a transparent closure. However, *Spruyt* fails to disclose a translucent container top. *Huang* discloses a wet wipes container. *Huang* discloses that the container lid can be transparent or translucent.

The Applicants claim a container top that is between the extremes of completely transparent (Visibility Index = 5) and completely opaque (Visibility Index = 0) by claiming that the container top has a Visibility Index of at least 1 and no more than 4. See the specification at page 8, lines 23-26, and claims 1 and 22. As such, the combination of *Julius* and *Spruyt* fails to render the Applicants' claims obvious since to establish a *prima facie* case of obvious under MPEP § 2142 the references, when combined, must teach or suggest all the claimed limitations. There is no teaching or suggestion in *Spruyt* to use a translucent container top as claimed.

With regard to the combination of *Julius* and *Huang*, the declaration of Yung Huang establishes that the use of a translucent container top, in and of itself, is not sufficient to guarantee that the wet wipe will be visible beneath the translucent container top. This is shown by the data in Examples 12 and 16, using the same translucent container top, where in one case the wet wipe is visible and in the other case it is not. The combination of the visibility indexes of the wet wipe, the container top, and the dispensing partition must all be carefully chosen and considered to ensure that the use of a translucent container top will enable the wet wipe beneath the container top to be visible. *Huang* does not teach or suggest choosing the various visibility indexes for the container top, the dispensing partition, and the wet wipes to ensure that the wet wipe is visibly indicated in-position or not-in-position for all translucent container tops. The three references, either individually or in combination, do not render the Applicants' claims obvious with regard to the claimed invention since simply using a translucent container top does not guarantee that the wet wipe will be visible. As such, the Examiner's obvious rejection has been overcome by the declaration of Yung Huang.

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With regard to claims 2-10, 12-13, and 24-25, the Applicants' specification at page 12, line 5 to page 13, line 7 further claims the desired relationships between the various visibility indexes to enhance the ability to see the wet wipe positioned beneath the translucent container top. As shown in the declaration, the Applicants have solved the unexpected problem that the use of a translucent container top, in and of itself, does not guarantee that the wet wipe will be visible beneath the container top without also considering the visibility index of the wet wipe and the dispensing partition.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

Respectfully submitted,

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#### CERTIFICATE OF TRANSMISSION

I, Lanette Burton, hereby certify that on June 8, 2005, this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306.

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